

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

JAYME FLAWS,

Plaintiff,

v.

AKAL SECURITY, INC.,

Defendant.

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Case No.: 5:19-CV-06140

PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26 and Local Rule 16.1, Plaintiff and Defendant hereby submit the following proposed scheduling order and discovery plan for this case.

I. Preliminary Matters

- A. **Rule 26(f) Conference.** Pursuant to Fed. R. Civ. P. 26(f), a discovery and case-management conference was held on **November 15, 2019** and was attended by Megan Stiles for Plaintiff and Robert Sheffield for Defendant. The conference was conducted by telephone.
- B. **The parties jointly submit the following case summary:** This is an employment discrimination case brought under the Missouri Human Rights Act, MO. REV. STAT. §§ 213.010 *et seq.* and the Family Medical Leave Act, 28 U.S.C. § 2601 *et seq.* Plaintiff alleges that Defendant discriminated against her because of her disability and need for FMLA leave and unlawfully terminated her employment. Defendant denies it discriminated or retaliated against Plaintiff and maintains its decisions were made for legitimate, non-discriminatory and non-retaliatory reasons.
- C. **Plan for Alternative Dispute Resolution (ADR).** The parties have not yet conducted any formal ADR in this case. The parties plan to participate in mediation pursuant to the Court's Mediation and Assessment Program (MAP). The parties have agreed to a mediation date of **February 7, 2020**, with the Hon. Jay Daugherty. The parties will file a formal designation of mediator by **November 28, 2019**.
- D. **Plan for Pre-Discovery Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) on or before **November 28, 2019**.

II. Discovery Plan

- A. All discovery will be commenced or served in time to be completed by **May 15, 2020**.
 - i. There will be a maximum of **25** interrogatories, including all discrete subparts, served by any party on another party.
 - ii. There will be a maximum of **5** depositions taken by Plaintiff and **5** by Defendant.
- B. The parties will submit a jointly proposed protective order to the Court on or before **November 28, 2019**.
- C. Discovery is needed on the following topics:
 - i. Facts supporting and/or undermining Plaintiff's claims that she was terminated in violation of the MHRA and FMLA;
 - ii. Plaintiff's alleged damages; and
 - iii. Defendant's defenses.
- D. Disclosure or discovery of electronically stored information (ESI) will be handled as follows:
 - i. The parties intend to produce electronically stored information in hard copy or static form (*e.g.*, .pdf or .tif images), thereby allowing documents produced to be indexed and individually marked through "Bates" stamping.
 - ii. If e-mail information is requested, the parties will attempt to agree on an e-mail search protocol appropriate for the request(s) at issue. If deleted information is requested, the parties will attempt to agree on a third party to restore the deleted information, and the requesting party will bear the costs of restoration and production. Any party desiring embedded data or metadata must specifically request such data in writing and identify the specific document(s) by bates number or otherwise. The parties will then confer in good faith regarding the availability of the requested ESI and any expenses associated with the production of such information.
- E. The parties agree that if privileged information is inadvertently disclosed during discovery, regardless of the form, the recipient of the privileged information will, on written request of the producing party, return the information to the producing party. If the claim of privilege is disputed, the receiving party agrees to refrain from further examination or use of the potentially privileged information until the dispute is resolved.

- F. If expert testimony is used in this case, disclosures required by Fed. R. Civ. P. 26(a)(2), including reports from retained experts, will be served by Plaintiff on or before **February 5, 2020**, and by Defendant on or before **March 20, 2020**.

III. Deadlines for Amendments and Dispositive Motions; Trial

- A. Deadline to add or join parties: **December 20, 2019**.
- B. Deadline for any motions to amend pleadings: **January 17, 2020**.
- C. Deadline for dispositive motions: **June 26, 2020**.
- D. The parties request a trial by jury **in or after mid-January 2021**; trial is expected to take approximately 5 days.

Date: November 21, 2019

Respectfully Submitted,

CORNERSTONE LAW FIRM

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